

Remarks/Arguments

Claims 15 to 32 are pending. Claims 33 to 41 have been canceled and are being filed in a divisional application.

Claims 32 to 42 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The Office Action stated that Claims 32 and 41 call for a process without any steps and are therefore indefinite since it is unclear what are the limitations of the process. Claim 41 has been canceled and is being moved to a divisional application. Claim 32 recites the verb "using" that is an action verb, hence Claim 32 recites a positive, action process step. The verb "using" is not the same as the unapproved noun "use." To advance examination, applicants have amended Claim 32 to recite the M.P.E.P.-approved verb "utilizing."

The Office Action stated: that it is unclear what is being claimed in line 4 of Claims 33; and that it appears that "n" should be "in." Claim 33 has been canceled and is being moved to a divisional application.

This rejection should be withdrawn.

Claims 18 to 21 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for indicating that such claims contain allowable subject matter. However, applicants believe that the broader claims are also allowable.

The Office Action stated that Claims 35 to 39 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for indicating that such claims contain allowable subject matter. However, applicants believe the broader claims are also allowable, and have also canceled Claims 35 to 39 that are being moved to a divisional application.

Claims 15 to 17, 22, 23, 32 to 34, 40 and 41 have been rejected under 35 U.S.C. 102(b) as being anticipated by De Felice (U.S. Patent No. 4,231,477). Applicants traverse this rejection.

Claims 33, 34, 40 and 41 have been canceled and are being moved to a divisional application.

Applicants' discussion shows that the Examiner has not established anticipation or obviousness, by De Felice.

The claimed subject matter according to Claim 15 differs from the subject matter disclosed by De Felice in at least one important point. The opening aid according to applicants' invention is placed on a surface element which is assigned to the recess opening, whereby the surface element is delimited from the recess opening area by means of a fold line. The opening aid is placed over the recess opening by swiveling the surface element at the fold line over the recess opening. The fold line of the surface element is not part of the opening aid itself which is detached from the surface element along weakening lines and different fold lines.

The opening aid according to De Felice is placed over the recess by flexing the blister pack. De Felice does not disclose he claimed surface element with a fold line, which allows the opening aid, i.e., the surface element, to be swiveled or turned over the recess.

There may be a language problem regarding the term "bend" in Claim 15 and 16. As the surface element is swiveled at the fold line, the term "fold down" is more precise, and this limitation (now in such claims) further distinguishes from De Felice.

De Felice discloses a bending in a certain way within the blister pack area, even if there is no fold line involved. As shown in Figure 3 of De Felice, the bending causes a problem for a person trying to use cutting points 7 to pierce the tops of the recess. There is a spring-like pressure operating outwards to put the blister pack back into planar shape. Such tendency makes operation of the De Felice product difficult, particularly for the aged or infirmed. The more stiff the plastic film (2)/the covering film (3) composite, the more effective the cutting/piercing ability of cutting points (7), however with an increase of the pack to seek return to the planar during use. This problem is compounded when the inner recess are sought to be punctured. Applicants' claims also are not obvious over De Felice.

Applicants submit that De Felice does not anticipate amended independent Claims 15.

The Office Action stated: that in De Felice there is a blister pack described including blister recesses 4, a flat shoulder surface/film 2, cover/covering film 3,

and incision pattern 6; that the shoulder and recesses together constitute the base part of the pack; and that the incision patterns form cutting points (col. 2, line 10 to 17) and an edge 7 which will puncture the film. The Office Action stated that, therefore, the cutting points and edges 7 may be said to constitute opening aids.

The Office Action stated that each of the recesses on its concave side is covered by the cover film 3. Such information does not provide anticipation.

The Office Action stated: that the incision patterns 6 are formed by corner-shaped incisors, as shown in Figure 1; and that the Examiner asserts that the incisions constitute intersecting weakening lines since they will weaken the base part of the pack. Applicants traverse this statement. The incisions of De Felice are only located in the corner areas. De Felice does not teach or suggest locating its incisions any other place. The Examiner asserts that the corner-shaped incisors constitute weakening lines. However, they do not form a fold line and do not cure the outward spring-like pressure resulting from bonding the De Felice blister package.

The Office Action stated: that after forming the recesses in the base part and after forming the opening aids 6,7, which includes making the weakening lines/incisions, the base part is punched out (i.e., cut-out); and see column 1, line 64, through column 2, line 9. De Felice does not have a fold line located between the bent edge (7) and recesses (4). The bend line of bent edge (7) is the only fold of De Felice, and is part of the bent edge (7), the bend line of bent edge (7) is coextensive with bent edge (7).

The Office Action stated that, in addition, there is provided a fold line for each said incision pattern, as shown in Figures 2 and 3, with which triangular portions/surface elements of the base part are bent/swiveled out of the plane of the base part to the concave side of the recesses. Such fold lines are not the same as applicants' fold line, do not serve the same purpose, and do not cure the problem with the De Felice system.

The Office Action stated that it is to be noted that the fold lines shown in Figures 2 and 3 are bent by the patient (col. 2, lines 13 and 14). Such fold lines are not involved in the bending of De Felice in order to use bent edges (7) to pierce the portions of covering film (3) over recesses (4).

The Office Action stated that the opening aids once bent, as is shown in Figures 2 and 3, are therefore capable of being bent by the patient again along such fold lines to the convex sides of the recesses, even though the reference does not disclose doing this. Applicants traverse this statement. There is no way that bent edges (7), once bent out, can be bent into place over any recess (4) by means of the fold lines at the base of bent edges (7). The only way to get any bent edges (7) over top of any recess (4) is to bend the blister package over on itself. There is no fold line taught or suggested by De Felice that allows its blister package to fold over on itself. Applicants' claimed invention recognizes and solves the problem with the De Felice scheme.

The Office Action stated that this capability of bending on the convex side reads on what applicants have claimed in Claim 16 since the claimed binding in "can be bent" is recited in the manner as intended use and not as structure in the

claim. Claim 16 has been amended to recite positively that the surface element is folded down at fold line (7).

The Office Action stated that the capability also reads on what is claimed in Claim 17 since the claimed folding in the wording "in that by folding" also constitutes intended use and not structure in the claim. Claim 17 has been amended to eliminate this problem.

The Office Action stated that, regarding Claim 22, which calls for plural fold lines, the four cutting points of De Felice may be considered to defining an opening aid folded out of the plane of the base part. The fold lines at the base of the bent edges (7) are not the same as applicants' fold lines and do not allow the moving of bent edges (7) to be brought in contact with De Felice's covering film (3) over recesses (4). To effect such positively, De Felice has to bend its blister package in on itself.

The Office Action stated that, regarding Claim 23, insofar as claimed, the triangular elements of De Felice bent out of the base part, may be considered to define wings. Applicants traverse this statement. The fold lines at the base of De Felice's bent points (7) are not the same as applicants' fold lines (7'), which allow applicants' blister package to be folded over on itself [which cannot be done using De Felice's base fold lines of bent points (7)].

The Office Action stated that, in use, the blister of De Felice is rolled up (more than is shown in Figure 3) so that a selected opening aid will puncture the covering film 3 over a respective recess 4. Figure 3 does not show any rolling

up—it only shows bending over so that one inner side contacts the other inner side. Applicants' roll up invention is being moved to a divisional application.

The Office Action stated that regarding applicants' Claim 32, De Felice describes using the blister pack; and see column 2, lines 10 to 20. The blister package of De Felice is not used in the same manner, or even being capable in being used in the same manner, as applicants' blister pack is used. De Felice has no fold line that allows its blister package to be folded over on itself.

The Office Action stated: that applicants' Claims 33 and 34 call for a roll-up element; that, however, the limitations regarding the roll-up element do not distinguish over the outer corner of the blister pack that is located outwardly of the incision 6; that the claim also call for the opening aid to be detached from the shoulder area as the pack is rolled up and to become at a tangent with roller shoulder area (i.e., bent outwardly on the convex side); that, however, this is limitation is intended use; and that the Examiner asserts that the opening aids defined by incision 6 of De Felice are capable of becoming detached (i.e., moved out of registry with the plane) from the shoulder area of the base part 2 in this manner as claimed by applicants since the incisions of De Felice are already cut completely through the material. Applicants traverse this statement. Claims 33 and 34 have been canceled and are being moved to a divisional application.

De Felice does not teach or suggest applicants' claimed invention.

This rejection should be withdrawn.

The Examiner has not factually established anticipation or a showing of prima facie obviousness in the record.

Claims 30, 31 and 40 have been rejected under 35 U.S.C. 103(a) as being unpatentable over De Felice (U.S. Patent No. 4,231,477) in view of published PCT Document No. WO 96/25254 (Reiterer et al.). Applicants traverse this rejection.

De Felice does not teach or suggest applicants' claimed invention. Reiterer et al. does not cure the defects of De Felice in the search for applicants' claimed invention. The Examiner has not established in the record the necessary motivation to combine the two rejection references in the search for applicants' claimed invention.

The Office Action stated that the abstract of the reference of Reiterer et al. suggests that the material for making the base part of a blister pack may be composite material, including an aluminum material for the purpose of permitting the recesses to be molded by cold forming.

The Office Action stated that, accordingly, it would have been obvious in view of Reiterer et al. to have made the base part 2 of De Felice from such a composite material for the purpose of permitting the recesses of the base part to be made by cold forming. Applicants traverse this statement. The Examiner has not factually shown in the record the required motivation to combine De Felice and Reiterer et al.

This rejection should be withdrawn.

Reconsideration, reexamination and allowance of the claims are requested.

Respectfully Submitted,

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